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EXAMINER

PIERCE, DAMON JOSEPH

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/661,036	Applicant(s) MEAD ET AL.	
	Examiner DAMON PIERCE	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On Pg. 24, 3rd Paragraph, Fig. 15 is stated, however there is no Fig. 15 included in the drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 25, and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1, 25, and 37, there is a recitation of "said selection", however, "selections" are mentioned several times prior to the recitation of "said selection", therefore, the selection referring to "said selection" must be clarified.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 7-17, 19-29, 31-43, 47-50, and 54-55 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. #6,439,995 to Hughs-Baird et al. (Hughs-Baird).

In Reference to Claims 1, 13, 25, and 37-38

Hughs-Baird discloses a gaming device (Fig. 1, 10) comprising:

- a plurality of selection groups (Fig. 3, 56, 58, 60);
- a plurality of selections in each of said selection groups (Fig. 3, the indicia/boxes located in groups 56, 58, 60), wherein each of the first selections is individually associated with one of the second selections (see Fig. 3, groups 58 and 60, where selections are individually associated);
- a plurality of advances (Fig. 3, 66, "advance indicators") adapted to be associated with the selections, wherein at least one selection of each of the different selection groups has one of said advances associated with said selection;
- a number of picks (Fig. 3, 70, "pick indicator", which indicates a number of picks) from the selection groups adapted to be provided to a player;
- an advance award (Fig. 3, 64) adapted to be provided to the player if:
 - (a) the player picks one of the selections with an associated advance (Fig. 3, 66);
 - (b) said advance automatically causes the pick of one of the selections associated with a subsequent one of the selection groups (col. 7, 2-5, where

once an "advance indicator" is selected a player must pick from the next selection group), and

(c) another/second one of the advances is associated with said selection caused to be picked by the advance (Fig. 3, 66 in group 58, where a 2nd "advance indicator" is selected), and (*claim 13*) at least one pick is remaining (col. 7, 30-32, where picks may be counted as used only during "final selection group");

(d) (*claim 37*) said second advance automatically causes the pick of one of the selections associated with a subsequent one of the selection groups or the advance award (Fig. 3, 66 in group 58, and col. 7, 2-5, where once an "advance indicator" is selected a player must pick from the next selection group);

(*claim 38*) an advance award (Fig. 3, 64) adapted to be provided to a player if the first selection picked generates the first advance (a player's first selection can be an "advance indicator") and the first advance automatically causes the second selection associated with the picked first selection to be picked (in the case, the first "advance indicator" automatically causes a player to pick a second selection from the next selection group) wherein the second selection generates a second advance (and the player's second selection can be another "advance indicator")

a display device (Fig. 1, 34, displays game) adapted to display the selection groups, advances and advance award.

Hughs-Baird discloses a method of operating a gaming device including a wagering game (Fig. 1, 10), said method comprising:

(a) enabling a player to pick from a first selection group until the player picks a first advancement (Fig. 8, player picks selections from group 56, until player picks 66, advance indicator);

(b) if the first advancement does not generate a second advancement in a second selection group, enabling the player to pick from the second selection group until the player picks the second advancement in the second selection group (Fig. 8, 66 from group 56 does not generate advance indicator in group 58, thus, player gets to pick another selection from group 58); and

(c) providing an advance award to the player for advancing through each of the groups if a number of picks used to advance through the groups is less than or equal to a provided number of picks (Fig. 8, 56, box labeled "10" is an award for advancing as long as "a predetermined number of picks", col. 13, line 7, are not completely used).

In Reference to Claims 2, 14, 26, 47

Hughs-Baird discloses the gaming device of claims 1, 13, 25, and 41, wherein if the player picks one of the selections associated with one of the advances, said pick caused by said advance does not count against the number of picks (col. 7, 30-32, where picks are counted as used during "final selection

group”, therefore, in this case, “picks” will not be used until player reaches “final selection group”, see Fig. 3, 62).

In Reference to Claims 3, 15, 27

Hughs-Baird discloses the gaming device of claims 1, 13, 25, which includes links between selections of two selection groups (Fig. 3, groups 58, and 60 are in the linked that one group comes after the other), wherein each selection associated with a first one of the selection groups is linked to one of the second selections from a second one of the selection groups (Fig. 3, 20, each selection from 1st group is associated with selection to 2nd group as credits from each selection are added to the player’s total accumulated amount), and any advance (Fig. 3, 66, “advance indicator”) associated with any one of the selections of the first selection group causes the pick of the selection in the second selection group which is linked to said selection in the first selection group (col. 7, 2-5, when an “advance indicator” is selected from group 58, this causes the player to pick from the next linked associated selection group, which in this case is group 60).

In Reference to Claims 4, 16, 28, 40

Hughs-Baird discloses the gaming device of claims 3, 27, and 38, wherein the display device (Fig. 1, 34) is adapted to display the selection groups in

alignment to show the links between selections of the two selection groups (Fig. 7, 66 is linked and aligned with 64).

In Reference to Claims 5, 17, 29

Hughs-Baird discloses the gaming device of Claims 1, 13, and 25, wherein a plurality of the advances (Fig. 7, 66, and 70 show a plurality of “advance indicators”) are adapted to be associated with a plurality of the selections in at least one of the selection groups.

In Reference to Claims 7, 19, 31, 39

Hughs-Baird discloses the gaming device of Claims 1, 13, 25, and 38, which includes at least one award associated with one of the selections of one of the groups, wherein said award is adapted to be provided to the player if the player picks said selection or an advance causes the pick of said selection (Fig. 3, 64).

In Reference to Claims 8, 20, 32

Hughs-Baird discloses the gaming device of Claims 1, 13, and 25, which includes a plurality of awards associated with a plurality of the selections of one of the groups, wherein the player is provided each award associated with the selections picked by the player and the selections caused to be picked by the

advance (Fig. 3, see group 58 where there is different award for each box, i.e. from right-to-left, "100", "125", "2", etc.).

In Reference to Claims 9, 21, 33

Hughs-Baird discloses the gaming device of Claims 1, 13, and 33, which includes a plurality of awards, one of said awards associated with one of the selections of each of the groups, wherein the player is provided each award associated with the selections picked by the player and the selections caused to be picked by the advance (Fig. 3, 64).

In Reference to Claims 10, 22, 34

Hughs-Baird discloses the gaming device of Claims 1, 13, and 25 which includes a plurality of awards associated with a plurality of the selections of the groups, wherein the player is provided each award associated with the selections picked by the player and the selections caused to be picked by the advance (Fig. 3, where each group of has a plurality of awards).

In Reference to Claims 11, 23, 35

Hughs-Baird discloses the gaming device of Claims 1, 13, and 25, which includes a plurality of awards, wherein each selection not having an associated advance has one of said awards associated with said selection, wherein the player is provided each award associated with the selections picked by the player

and the selections caused to be picked by the advance (Fig. 3, 64, where there is not an “advance indicator” there is an “award indicator”).

In Reference to Claims 12, 24, 36

Hughs-Baird discloses the gaming device of Claims 1, 13, and 25, wherein the number of picks is reset upon picking one of the selections having an associated advance symbol (col. 13, 13-18, in the case of “try again”, the picks are resetted).

In Reference to Claim 42

Hughs-Baird discloses the method of Claim 41, which includes providing a separate number of picks for the first and second selection groups (Fig. 3, group 56 inherently has less choices or picks than group 58).

In Reference to Claim 43

Hughs-Baird discloses the method of Claim 41, which includes requiring at least one pick to be used receive the award (Fig. 7, 68, player has to pick in order to receive an award).

In Reference to Claims 48-49

Hughs-Baird discloses the method of Claim 41, which includes providing steps (a) to (c) via a data network or a computer storage device, and wherein the data network includes an Internet (col. 6, 25-30).

In Reference to Claims 50

Hughs-Baird discloses a method of operating a gaming device including a wagering game (Fig. 1, 10), said method comprising:

(a) enabling a player to pick from a first selection group until the player picks a first advancement (Fig. 8, player picks selections from group 56, until player picks 66, advance indicator);

(b) if the first advancement does not generate a second advancement in a second selection group, enabling the player to pick from the second selection group until the player picks the second advancement in the second selection group (Fig. 8, 66 from group 56 does not generate advance indicator in group 58, thus, player gets to pick another selection from group 58); and

(c) providing an advance award (Fig. 3, 64) to the player for advancing through each of the groups within a designated number of player picks (col. 13, 7, “a predetermined number of picks”), wherein a second advancement is obtained without counting against the number of picks if it is generated directly after the first advancement is generated (Fig. 7, 66, and col. 7, 30-32, where picks are counted as used only during “final selection group”).

In Reference to Claims 54-55

Hughs-Baird discloses the method of Claim 50, which includes providing steps (a) to (c) via a data network or a computer storage device, and wherein the data network includes an Internet (col. 6, 25-30).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 18, 30, 44-46, and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. #6,439,995 to Hughs-Baird et al. (Hughs-Baird) in view of US Pat #5,855,514 to Kamille.

In Reference to Claims 6, 18, 30, Hughs-Baird discloses the gaming device of Claims 1, 13, and 25, wherein the selection groups are arranged in an order (Fig. 3, 56-62 are in order) except a percentage of advances associated with the selections decreases for each subsequent selection group.

According to Kamille illustration in Fig. 6B, it is shown that the as advance indicators go from “outer ring” to inner circle the number of indicators that would keep the game going decreases in order to make it more difficult to win bonus prize.

Therefore, it would be obvious at the time of the invention for a person of ordinary skill in the art to modify the gaming device of Hughs-Baird with less advance indicators as a player gets closer to bonus selection group (62) with the decreasing advancing chances of Kamille in order to increase the excitement and suspense of winning a bonus prize.

In Reference to Claims 44, and 51, Hughs-Baird discloses the method of Claims 41, and 50, except which includes, upon the picking of first advancement, automatically revealing one of the selections in the second group, wherein the automatically revealed selection yield the second advancement.

Kamille discloses upon the picking of first advancement, automatically revealing one of the selections in the second group, wherein the automatically revealed selection yield the second advancement (Fig. 6B, where when a player picks a selection another selection is automatically revealed) in order to force a player's direction in order to progress through the game.

It would have been obvious at the time of the invention to a person of ordinary skill in the art to modify the selection gaming method of Hughs-Baird with the automatic revealing selection of Kamille in order to force a player to progress through game more rapidly, thus, creating more excitement with the extra speed and surprise element.

In Reference to Claims 45, 52, Hughs-Baird discloses the method of Claims 44 and 51, wherein the revealed selection in the second group is related to the selection in the first group that yielded the first advancement (Fig. 3, 20, all

groups in the bonus scheme are related to the total amount credits the player will accumulated).

In Reference to Claims 46, 53, Hughs-Baird discloses the method of Claims 44 and 51, wherein the revealed selection in the second group is randomly chosen/indicated upon/by picking the first advancement (col. 5, 50-52, where the controller can randomly determine the position and value in various groups).

Response to Arguments

8. Applicant's arguments filed 12/21/07 have been fully considered but they are not persuasive.

9. In regards to claim 41, On Pg. 19 of Applicant's Response, it is stated that Hughs-Baird does not anticipates, based on "try again" feature in Hughs-Baird. However, examiner would like to point to passage of col. 13, line 7, that states there is "a predetermined number of picks", which does determine the number of picks to be used by the player and in relation with Fig. 3, 64, advance awards are provided.

10. In regards to independent claims 1, 13, 25, 37, and 38, in applicant's response it is stated that Hughs-Baird fails to disclose parts (b) and (c) of each related claim. In Hughs-Baird, col. 7, 2-5, it is discussed that when an "advance indicator" is picked by a player the player must pick from another selection group, indicating that the mandate for the player to pick from a different selection group occurs automatically. In Fig. 3, (66),

of Hughs-Baird, shows that once a player is commanded to pick from another selection group that another “advance indicator” can be picked.

11. In regards to independent claim 50, On pg. 22 of Applicant’s Response, it is mentioned that Hughs-Baird fails to disclose “wherein a second advancement is obtained without counting against the number of picks if it is generated directly after the first advancement is generated. Upon viewing Fig. 7, 66, “advance indicators”, where it can be readily seen that a 2nd advancement can occur directly after 1st advancement, and one of the player’s “predetermined number of picks” would not be needed to be counted, in cases where “picks” only count during the “final selection group”, col. 7, 30-32, the selection of an “advance indicator” would not be counted against a player.

12. In regards to dependent claims 2-12, 14-24, 26-36, 39-40, 42-49, and 51-55, are now rejected as obvious variations to Hughs-Baird.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMON PIERCE whose telephone number is (571)270-1997. The examiner can normally be reached on Mon - Friday 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

DJP